

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ROSS F. GILMOUR, individually and on behalf of	:
all others similarly situated,	:
Plaintiff,	:
	:
-against-	:
	:
HSBC BANK (USA), N.A., HSBC MORTGAGE	:
CORP. (USA), ASSURANT, INC., and	:
AMERICAN SECURITY INSURANCE CO.,	:
	:
Defendants.	:
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No. 1:13-cv-05896-ALC

**REPORT REGARDING STATUS  
OF SETTLEMENT IN  
PARALLEL ACTION**

**REPORT REGARDING STATUS OF SETTLEMENT  
IN PARALLEL ACTION**

On February 3, 2014, HSBC<sup>1</sup> filed a status report advising that the parties in a parallel action challenging HSBC's lender-placed insurance ("LPI") practices, Diaz v. HSBC Bank USA, N.A., Southern District of Florida, Case No. 1:13-cv-21104,<sup>2</sup> reached a settlement in principle and executed a memorandum of understanding. HSBC further stated that it would notify this Court of additional developments in Diaz.

On March 19, 2014, HSBC filed a status report advising that plaintiffs in Diaz had filed for preliminary approval of a class action settlement and that the Diaz court had held a hearing on that motion.

On March 31, 2014, HSBC filed a status report advising that the Diaz court granted preliminary approval of the settlement and set a final fairness hearing for September 18, 2014,

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<sup>1</sup> "HSBC" means HSBC Bank USA, N.A. and HSBC Mortgage Corporation (USA). These HSBC entities are defendants in both this action and Diaz.

<sup>2</sup> Diaz vs. HSBC Bank USA, N.A. was formerly known as Lopez vs. HSBC Bank USA, N.A.

and that attempted intervenors in the Diaz settlement had filed a motion for reconsideration of the order denying their motion to intervene.

On May 2, 2014, the Diaz court entered an order denying the motion for reconsideration filed by the attempted intervenors. On May 7, 2014, the attempted intervenors filed a notice of appeal of the orders denying their motions to intervene and for reconsideration.

It is HSBC's belief that, if finally approved, the Diaz settlement will extinguish all claims in the instant action.

Absent contrary instructions from this Court, HSBC will file an additional status report when notice is mailed to the settlement class in Diaz, or should earlier developments warrant.

Dated: May 9, 2014

Respectfully Submitted,

/s/ Benjamin G. Diehl

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**CERTIFICATION**

I hereby certify that, on May 9, 2014, a copy of the foregoing **REPORT REGARDING STATUS OF SETTLEMENT IN PARALLEL ACTION** was filed electronically and served by U.S. Mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the court's electronic filing system or by U.S. Mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

By:           /s/ Benjamin G. Diehl            
Benjamin G. Diehl